PART IV

Section 2C—(ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS.

GOVERNMENT OF MYSORE

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Metro Malleable Manufacturers (P) Ltd., Bangalore.

Award of the Additional Industrial Tribunal, Bangalore—published.

Read the following papers :

(1) Letter No. A. I. T. No. 143-144/66-67, dated 4th January 1967 from Shri V. C. Ramachandran Presiding Officer, Additional Industrial Tribunal Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 31st December 1966

Present :

Sri V. C. Ramachandran, B.Sc., (Lond), Bar-at-law,

Presiding Officer.

A. I. D. No 5 of 1966.
(I. D. No. 44 of 1964)

The Workmen of Metro Malleable Manufacturers (P) Ltd., Bangalore.

... *I Party.*

Vs.

The Management of Metro Malleable Manufacturers (P) Ltd., Bangalore.

... *II Party.*

Appearances.

Sri K. Subba Rao, Advocate and Sri M. S. Rama Rao, President, The Bangalore District Engineering Workers 'Union, Bangalore.

For The First Party.

Sri V. L. Narasimha Murthy, Advocate and Sri Shaik Ebrahim.

For The Second Party.

Reference

Government Order No. PLM 288 LLD 63, dated 25th November 1964.

AWARD.

The Government of Mysore in exercise of the powers conferred upon them under Section 10 (1) (d) of the Industrial Disputes Act, 1947, (Central Act XIV of 1947) have referred an Industrial Dispute between the Workmen and the Management of the Metro Malleable Manufacturers (P) Ltd., Nayandahalli, Bangalore, for adjudication to the Industrial Tribunal, Bangalore. The points of dispute covered by the Reference are as follows:—

"1. (a) Does the action of the management in refusing work to the 100 and odd casual workmen from 9th November 1964 amount to unfair labour practice?

(b) Is the management entitled to issue charge sheet to the following workmen and suspend them from service pending enquiry into the charges?

1. Sri Basha
2. Sri Laxman Murthy
3. Sri Chikkyeerappa
4. Sri Venkatappa
5. Sri Venkatanarasimhaiah,
6. Sri Abdul Karem
7. Sri Byrappa
8. Sri Veerachary
9. Sri Narayanappa
10. Sri Mariappa,
11. Abdul Rahiman.
12. Sri Byrappa
13. Sri Narasimhaiah
14. Sri Mani Raj
15. Sri Ganga
16. Sri Muniswamy
17. Sri Mohamed Ali
18. Sri Dastagir Khan
19. Sri Savaridoss
20. Sri Sheikh Ismail
21. Sri Abdul Khaleel
22. Sri Vankatappa
23. Sri Narasimhaiah.

(c) Is the Union justified in demanding the unconditional withdrawal of the two notices issued by the Management on 9th November 1964 (annexed)?

(d) Is the Bangalore District Engineering Workers' Union justified in demanding that the management of Metro Malleable Manufacturers (P) Ltd., should not recruit any workmen without consulting the said Union?

(e) Is the Union justified in demanding reinstatement of workmen Sri Veerasami and Sri Deviah?

(f) Are the parties entitled to any other relief or reliefs arising out of the stay in strikes between 20th October 1964 and 8th November 1964 and 9th November 1964 onwards?

2. Are the workmen of Metro Malleable Manufacturing Company Private Limited, Nayandahalli, justified in resorting to stay in strike between the periods 20th October 1964 and 8th November 1964 and 9th November 1964 onwards.

Are these two spells of stay in strike legal.

3. Is the management liable to pay lay-off compensation or any other relief to all or any of the workmen for the period 3rd November 1964 to 8th November 1964 or for any other period or periods."

The Reference was subsequently withdrawn from the file of the Industrial Tribunal and transferred to the file of this Tribunal by the Government of Mysore in their Order No. LMA 595 LLE 66 dated 29th November 1966. The Reference is re-registered as AID No. 5 of 1966.

2. The I Party who are the workers of the Metro Malleable Manufacturers (P) Ltd.' have put forward various claims in their statement. They have asked for withdrawal of the two notices of the Management for reinstatement of Veeraswamy and Devappa and for relief of wages during the strike period between 20th October 1964 and 3rd November 1964 and from 9th November 1964 to 20th November 1964. The I Party submit that they have been victimised by unfair labour practice by the Management and they are subjected to various kinds of oppression at the hands of Management like harassment, victimisation and even physical violence. They prayed for an Award being passed in the terms of the claim-statement and for costs.

3. The Management who are the II Party in this Reference relied upon the Memorandum of settlement entered into in accordance with the Section 2 (p) of the Industrial Disputes Act on 27th March 1965 which according to them is a complete answer to the claims put forward by the I Party. In particular, they contend that they are fully justified in refusing to take 100 casual workmen and the 23 other workmen who were connected with the illegal strike and other activities. They are not liable to withdraw the notices issued and they are perfectly within their rights to recruit workmen without consulting the Union. Veeraswamy, according to them, was dismissed, after proper enquiry and also the other workman Deviah. The workers resorted to illegal strike during the pendency of dispute in the Tribunal and hence they are not liable for any wages during the period of that strike.

The management also denied the victimisation and unfair Labour practice and harassment and violence as alleged by the I Party. They denied the other allegations and pray that the Reference be rejected with costs.

4. The Tribunal framed certain additional issues but as the matter has been settled between the Parties during the course of the proceedings before this Tribunal, it would be unnecessary to consider those issues one by one. The Memorandum of Settlement has been executed by the President of the Bangalore District Engineering Workers' Union, Bangalore, for the I Party and by the Director of the Metro Malleable Manufacturers (P) Ltd., for the II Party. Under the terms of the settlement, the I Party is entitled to get a sum of Rs. 10,000 (Rupees Ten Thousand) only in view of the demands made by them. Their monthly pay has also been increased as an Interim Relief by Rs. 6.50np Per month and the persons retrenched after 25 years of service and age of 55 years get the benefit of retrenchment compensation. In my opinion, the aettlement arrived at between the Parties is air and reasonable and should be given effect to in the interest of findustrial peace. I, therefore, pass the following Award:—

AWARD

The Management of Metro Malleable Manufacturers (P) Ltd., Bangalore, the II Party do carry out all the obligations mentioned in the Memorandum of Settlement filed before this Tribunal and the I Party do give up the other claims put forward by them in the claim-statement. The I Party will disburse the amount of Rs. 10,000 (Rupees Ten Thousand) to be paid to them by the II Party in accordance with the memo filed before this Tribunal as per Annexure 1 to 3 contained therein.

There will be no order as to costs.

V. C. RAMACHANDRAN,

Presiding Officer,

Additional Industrial Tribunal. Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

I. D. No. 49 of 1962 and I. D. 44/64

and applications serial Nos. 13/66 to 20/66 under I. D. No. 44/64

(A ID Nos. 2 and 5 of 1966 and serial Application Nos. 1 to 8 of 66 in A. I. D. No. 5/66)

Between :

Workmen represented by the Bangalore District Engineering Workers' Union. ... *First Party*

and

Management of Metro Malleable Manufacturers (P) Ltd., Bangalore. ... *Second Party*

Both the parties report that they have arrived at a compromise of all the above cases on the following terms and conditions.—

1. In lieu of all the demands referred for adjudication in I.D. No. 49 of 1962 and I.D. No. 44/64 the Management agrees to pay to the I party Union a sum of Rs. 10,000 (Rupees Ten Thousand only) for payment to workmen in accordance with the directions to be given by this Hon'ble Tribunal. The said money will be paid in two equal instalments. First instalment of Rs. 5,000 being payable in January 1967 after 10th and on or before 15th of that month. The second instalment of Rs. 5,000 will be payable in April 67 after 10th and on or before 15th of that month. This will be in full and final settlement of all the demands and claims made by the first party in the disputes referred to above and also in full satisfaction of any claim that may arise out of applications Serial No. 13 to Serial No. 20/66 in I.D. No. 44/64.

2. In view of the request made by the first party that the workers of the second party concern should be given interim relief on the basis of recommendations of the Central Wage Board for Engineering Industries, second party without admitting its liability to pay such relief and without prejudice to its rights either about the quantum or its liability to pay any sum, agrees as a token of good-will to pay as from 1st April 1966 a sum of Rs. 6-50 per month to each worker drawing a monthly wage of upto and

inclusive of Rs. 150 and in respect of the other workers drawing wages above Rs. 150 per month, it agrees to pay at the rates recommended by the Wage Board. This increase will be given with effect from February 1967 and is payable on 1st March 1967 onwards. The increase proposed to be given effect from 1st April 1966 to 31st January 1967 (arrears) will be paid in monthly instalments commencing from 1st March 1967 onwards till the arrears are completely cleared. Both the parties agree to this relief without prejudice to their respective rights regarding implementation of either the interim or final recommendations of the said Wage Board.

3. In the event of the termination of services by the management of any workman having put in 25 years of service and having attained the age of 55 years on grounds of physical unfitness management agrees to pay *ex-gratia* compensation at the rate prescribed for retrenchment compensation under present Section 25F (*b*) of the I.D. Act. 1947.

4. In view of the above settlement, the First party withdraws all its demands and claims against the second party and further has no objection to grant permission sought for under Section 33 of the I.D. Act in Serial Nos. 13 of 1966 to 20 of 1966 under I. D. No. 44 of 1964.

5. Workmen further agree not to raise any dispute or make any demand whatsoever till the expiry of the settlement dated 27th March 1965 which is in operation till the end of September 1968.

6. Wherefore both the parties pray that a Consent Award be passed on the terms set forth in this petition.

(Sd.) H. H. Nassur
Director,
Metro Malleable
Manufacturers (P) Ltd.
For Second Party
22—12—1966

(Sd.) M.S. Rama Rao
President,
Bangalore District Engineering Workers Union
22—12—1966

"True Copy"

V. C. RAMACHANDRAN,
Presiding Officer,
Additional Industrial
Tribunal, Bangalore.

Bangalore-2
Dated 22nd December 1966.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

I. D. No. 49 of 1962 & I. D. No. 44 of 1964 and Applications Serial Nos. 13/66 to 20/66 under I. D. /64.

(A. I. D. Nos. 2 and 5 of 1966 and Serial Application Nos. 1 to 8 of 66 in A. I. D. No 5 of 1966).

Between

The Workmen represented by the Bangalore District Engineering Workers Union ... ***I Party***

and

The Management of Metro Malleable Manufacturers (P) Ltd., Bangalore. ... ***II Party.***

Memo

The First Party in the above cases beg to submit as follows:—

1 As per the terms of the Joint Memorandum of Settlement filled by parties before the Hon' ble Additional Industrial Tribunal, Bangalore, dated 22nd December 1966, the management has agreed to pay a sum of Rs. 10,000 to the first party Union for payment to workmen in accordance with the directions to be given by the Tribunal. The First Partyy begs to submit its proposals regarding the distribution of the sum of Rs. 10, 000 for consideration of the Hon' ble Tribunal.

2 As the employees working in Second Party concern are going to get the interim relief as agreed to by the Management under the terms of settlement no further relief to them is called for except the bouns due to such of those for the year 1962, who had declined to receive the same. Therefore the workmen propose that the sum of Rs. 10,000 may be ordered to be distributed among the dismissed employees whose cases are pending in the above mentioned Sl. applications and among those whose cases of dismissals or discharge are pending in the main references and also to the 28 workmen whose bouns for the year 1962 is due to be paid.

3. Therefore we propose that the Hon'ble Additional Industrial Tribunal may be pleased to give directions for the distribution of the amount as mentioned in the following annexures:—

ANNEXURE-I.

(Names of workmen against whom the Sl. Applications Nos. 1 to 8 of 66 in A. I. D No. 5 of 1966 have been filed by the Management.)

1.	akshmana Murthy	Re. 320-00
2	N ·ay·n·op·	412-00
	··eerachary	1470-16
4	Byrappa	1841-70
5	Narasimiah	934-96
6	Muniraj	163-20
7	Md. Ali	957-04
8	Sauridas	1317-00

ANNNEXURE II.

(Cases of termination in I. D. No. 49/62 and I. D. No 44/64)
(A. I. D. Nos. 2 and 5.)

1	Kuppaiah (AN 16)	Rs. 50/-
2	Kadaiah	50/-
3	Veeraswamy	747-34
4	Devappa (AN6)	Nil.

(Sris Kuppaiah and Kadaiah have settled their accounts with the management and Devappa has filed application before the Tribunal stating that he has no dispute with the Management *re* : his termination)

ANNEXURE III.

(Names of workmen whose amounts of bouns for 1962 is due.)

			Rs. P.
1	Byrappa	MC. 15	81–65
2	Narasimiah	MC. 45	48–71
3	Muniyappa	A. S. 4	52–08
4	Venkataramana	A. S. 5	48–64
5	Sivanna	As. 11	42–70
6	B. Madhava Rao	As. 13	58–02
7	Yelumalay	As. 14	60–27
8	Md. Ali	As. 16	58–02
9	Nanjundappa	As. 18	12–37
10	Sauridas	As. 21	93–65
11	Erappa	FD. 16	61–77
12	Venkatappa	FD. 29	53–15
13	Chowrappa	FD.37	53–15
14	Ranga	FD. 51	44–27
15	Abdul kareem	FD. 52	95–52
16	Narasimiah	FD. 61	46–65
17	Veerabhadrappa	FD. 64	59–90
18	Kempaiah	FD. 65	83–90
19	Veerachary	FD 68	71–90
20	Narasimiah	FD. 93	44–15
21	Narasimiah	GN 1	46–99
22	Sanjivappa	GN 6	83–15
23	Subbaiah	GN 8	62–53
24	Thimmarayappa	CN 14	42–70
25	Gundu Rao	AN 4	72–27
26	Devappa	AN 6	86–15
27	Mara	AN 10	76–77
28	Narayanappa	PT 3	95–62

The workmen pray that the Hon'ble Tribunal may be pleased to pass an Award in terms of the Joint Memorandum of Settlement filed by Parties on 22nd December 1966 together with directions regarding payment of the amounts to workers as mentioned in annexures I, II and III of this Memo filed by first party.

Sd/- M. S. RAMA RAO,
First Party.

Bangalore,
30-12-1966.

True "Copy"
V. C. RAMACHANDRAN,
Presiding Officer,
Additional Industrial Tribunal, Bangalore.

ORDER.

Bangalore, dated 12th January 1967.

S. O. 307.—WHEREAS by State Government Order No. PLM 288 LLD 63, dated 25th November 1964, the Industrial Dispute between the Workmen and the Management of Metro Malleable Manufacturers (P) Ltd., Bangalore was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Additional Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute:

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 288 LLD 63.]

By Order and in the name of the Governor of Mysore,

1947

G. G. PUROHIT, *Under Secy.*